

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY TROTTER,

Plaintiff,

v.

Case No. 03-10096

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

GONZALEZ, Sergeant, R. JONES,
Corrections Officer, JACOBS, Corrections
Officer, CRAWFORD, Resident Unit
Officer, DAVIS, Sergeant, SCHERTZ, Sergeant,
BOESTRLED, Corrections Officer, S. TEED,
Health Unit Manager, NORWOOD, Assistant
Warden, PAUL RENICO, Warden,
ENGELSGUERD, Doctor, BAYSHIRE, Nurse,
DAVIS, Nurse, DEVUYST, Nurse,
BELLINGER, Sergeant, MICHELLE W
HITNEY, B. PEET, Resident Unit Manager,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

On May 30, 2008, Magistrate Judge Charles E. Binder issued a report recommending that this action be dismissed with prejudice for want of prosecution. However, the copy of the report mailed to the plaintiff was returned as undeliverable, apparently because the plaintiff was released on parole and acquired a new address. In the hopes of remedying this situation, the Court directed the defendants to notify the Clerk's Office of the plaintiff's last known address. The defendants did as instructed, providing the following address: 13581 Monte Vista, Detroit, MI 48221. On June 25, 2008, the Court directed Magistrate Judge Binder to re-mail the report and recommendation and restart the objection period upon the date of re-mailing. The magistrate judge re-mailed his report on June 26, 2008, but the report was again returned as undeliverable. Because the plaintiff has not bothered to inform the Court of his whereabouts and the time period for filing objections has

elapsed, the Court will adopt the magistrate judge's report and recommendation and dismiss this case for lack of prosecution.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 53] is **ADOPTED**.

It is further **ORDERED** that this case is **DISMISSED** without prejudice for want of prosecution.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 15, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 15, 2008.

s/Felicia M. Moses
FELICIA M. MOSES